

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

JAMES IRBY

PLAINTIFF

VS.

CIVIL ACTION NO. 2:09cv204-KS-MTP

RON KING, et al.

DEFENDANT

**ORDER DIRECTING RESPONSE TO MOTION**

Presently pending before the court is a Motion to Dismiss for Failure to Exhaust Available Administrative Remedies for Summary Judgment [16] filed by Defendants on January 8, 2010. Plaintiff has not responded to the motion. Because the motion, if granted, could result in the dismissal of this case, the court will afford Plaintiff a final opportunity to respond to the motion.

It is, therefore, ORDERED and ADJUDGED that:

1. Plaintiff shall file his response to the motion on or before February 19, 2010; and
2. Should Plaintiff fail to respond by February 19, 2010, the motion will be considered and ruled upon without his response.

SO ORDERED AND ADJUDGED this the 2nd day of February, 2010.

s/ Michael T. Parker

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United States Magistrate Judge